

CHRISTOPHER HALLUM  
*President of Council*

MICHAEL KLINE  
*Vice President of Council*

GLORIA MAJESKI  
*Clerk of Council. Pro Tem*  
*1/9/2020 meeting*

**COUNCIL:**

NANCY E. FELLOWS

DAVID M. FIEBIG

JOE JARMUSZKIEWICZ

JANET R. MAJKA

TANYA TAYLOR DRAPER

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of January 9, 2020

**Policy No. 2:** All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part by Council.

The Regular Council Meeting was called to order on Thursday, January 9, 2020, at 7:00 p.m. in Council Chambers. Council President Hallum presided.

#### Pledge of Allegiance

**Members Present:** Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Council President Chris Hallum, Councilman Joe Jarmuszkiewicz, Council Vice President Mike Kline, Councilwoman Janet Majka and Councilwoman Tanya Taylor Draper.

**Others Present:** Mayor Andy Gardner, Finance Director Frank J. Brichacek, City Engineer Pietro A. Difranco and Mayor's Executive Assistant Serving as Council Pro-Tem Gloria Majeski

#### APPOINTMENT OF CLERK PRO-TEM

**Council President Hallum:** Our first order of business is to appoint a Clerk Pro-Tem and I have asked Gloria Majeski if she could do that for us tonight so I would like to get a vote of Council to approve her. Councilwoman Fellows?

**Councilwoman Fellows:** Excuse me, Mr. President. You cannot make a motion by Robert's Rules.

**Council President Hallum:** I can, actually. I checked. As Council President I have that latitude. Councilwoman Fellows?

**Councilwoman Fellows:** I think we need to have a second and a discussion, Sir.

**Council President Hallum:** Actually, we don't. I did check.

**Councilwoman Fellows:** Well, if I am going to vote, then with all due respect and I am not being critical to Mrs. Majeski, but for the last four years on Council, Ordinances that came from the Mayor's Office...

**Council President Hallum:** Councilwoman Fellows, I would just like a "yes" or "no" please.

**Councilwoman Fellows:** She is not qualified nor has the skills to...

**Council President Hallum:** You are out of order.

**Councilwoman Fellows:** Create Ordinances.

**Council President Hallum:** You are out of order. Councilwoman Fellows, please “yes” or “no.” I just need a vote please.

**Councilwoman Fellows:** She is not qualified to create Ordinances. I vote “no.”

**Council President Hallum:** Thank you. Councilman Fiebig?

**Councilman Fiebig:** The point of order is well take from Councilwoman Fellows. I do believe it would be good to ask for a motion.

**Council President Hallum:** Mr. Fiebig, I just want a...

**Councilman Fiebig:** I understand. Just to clarify, what this is for is that the motion is to appoint a Clerk Pro Tem for tonight’s meeting. Is that correct?

**Council President Hallum:** Yes, that is correct.

**Councilman Fiebig:** Yes, that is correct. That is to handle the meeting minutes, to run the recorder and to just make sure that the notes are taken and then probably then the minutes would also be handled?

**Council President Hallum:** Correct.

**Councilman Fiebig:** This is why we have a motion and a second and a discussion would be to clarify that, so then with that being said that I will make my vote of “yes.” Thank you and thank you for the latitude in discussion.

**Council President Hallum:** You’re welcome. Council Hallum, “yes.” Councilman Jarmuszkiewicz?

**Councilman Jarmuszkiewicz:** Yes.

**Council President Hallum:** Councilman Kline?

**Councilman Kline:** Yes.

**Council President Hallum:** Councilwoman Majka?

**Councilwoman Majka:** I vote “no” out of similar concerns.

**Council President Hallum:** Councilwoman Taylor Draper?

**Councilwoman Taylor Draper:** Yes.

**Council President Hallum:** Thank you.

**Roll Call:** **AYES:** Fiebig, Hallum, Jarmuszkiewicz, Kline and Taylor Draper  
NAYS: Fellows and Majka

**Motion Carries to appoint Gloria Majeski as Clerk, Pro Tem for tonight's meeting.**

**Council President Hallum:** Gloria Majeski, would you please join us on the dias to help us? Thank you, I appreciate your help.

#### **ADMINISTRATION REPORTS AND COMMUNICATIONS**

#### **RECOGNIZE WILLOUGHBY HILLS POLICE DEPARTMENT IN HONOR OF NATIONAL LAW ENFORCEMENT APPRECIATION DAY**

**Council President Hallum:** The Mayor and I spoke earlier and we want to make sure that we recognize our Law Enforcement. It is National Law Enforcement Appreciation Day. I believe our Chief is here. Chief Collins, if you could introduce your troops here, we would like to recognize them please.

**Police Chief Collins:** With me tonight I have SGT Matt Naegele. He has been with the Department for twenty-one years. I have SGT Henry Boepple who has been with us for four years, but was with the City of Delaware for five and was a lateral transfer in. We have Shannon Vachet who has been with us for nineteen years and is one of our canine guys and SWAT team members. We have Sal Continenza. He has been with us for over a year and a half now. Craig Anderson is here in civilian clothes. Craig was retired from the Department after twenty-four years, has over thirty-one years total experience. He is now here part-time. He is also, I would like to point out, our Medal of Honor winner for his involvement in the Classic incident that happened a couple of years ago and has been highly recognized for that. And then we have Officer Jim Vitale who has been with us for eighteen years.

**Council President Hallum:** Thank you, Chief Collins.  
(Audience applauds).

**Council President Hallum:** And thank you, Chief Collins. Thank you for keeping us safe, gentlemen. Have a good night. Have a safe night.

#### **MAYOR GARDNER ADMINISTRATION OF OATH OF OFFICE TO BOARD/COMMISSION MEMBER(S)**

**Mayor Gardner:** Ron Lewis, are you here? I don't see him. Niko Viola? Yes, he is here, so come on up to the microphone.

(Mayor Gardner then administers the Oath of Office to Nikodem Viola as a new member of the Board of Building and Zoning Appeals).

(Audience applauds).

Mr. President, just so everyone knows, I have been asked to appoint two new members (Tom Elliott and Ron Lewis, Jr.) to the Planning Commission and Architectural Board of Review. I would like to thank Mike Kline and Chris Smith. Mike resigned in order to take his Council position and Chris served through his term. We just swore in Niko to the BZA and I would like to thank Jenna Bing for her service. Last night at Recreation, we re-swore in Lynn Hallum and swore in Lisa Kubish as our new members. Lynn or Lisa, are you here? Lisa is here, so thank you and thanks to previous Commission members Dee Germano who served her term and Joe Jarmuszkiewicz who gave up his spot when he was elected to Council but was promptly reappointed to the Recreation Commission {by Council}. We are going to try to do more swearing-ins and recognizing folks when we can here at Council meetings so that the community can put some names with some faces. Thank you.

**Council President Hallum:** Thank you. And now the Mayor's Report.

#### **MAYOR'S REPORT:**

- First and most importantly, I would like to express my deepest sympathy to the Germano family following the passing of Michael Germano yesterday. Our thoughts and prayers are with Martha, Frank, Dee, Mike and Bethany and the rest of the Germano family. As we all know, the Germano family has served the city for many years, are part of the Willoughby Hills family and hopefully everyone's thoughts and prayers are with the Germano family tonight and in the coming days.
- I would like to thank everyone who attended the Oath of Office Ceremony last week. It was a full house and I was glad so many of you could join us, the City's newly elected officials on a day that was special for us.
- My first priority is the hiring of a Law Director. I have met with two candidates. I am scheduled to meet with at least one more probably early next week. My goal is to assemble a package to request an appointment and have the candidate available at Council's next meeting.
- I would like to request that Council take steps to reinstate the W.H.I.S.P.E.R. program. I stand ready to meet with the members of Council to take the steps necessary to put in place procedures to allow the program to start operating again.
- Strategic Planning – I have contacted one agency that helps provide this and I have another one in the works. I hope to have a couple of proposals by the next Council meeting. I will share them with everybody when I have the two of them.



- The Budget – I have asked Director Brichacek to get it to us as soon as possible. With the hiring of the new Assistant Finance Director, he is able to get a little bit off of his desk that has been keeping him occupied. He has told me that he is trying for the end of the month and as soon as a draft is ready, we will be sharing it with everybody. If anybody has input and would like to share ideas with me or Frank before it comes out, that is also welcome. But we will be getting it out as soon as it is received.
- I would like to ask Council to start looking at a couple of issues, specifically, one that came up last fall was a Communications Committee to investigate the video transmission of our meetings over the City's cable channel, a City Newsletter, review of the web page, review of the information on the cable channel when we are not broadcasting meetings and, something that came up last night at the Recreation Commission meeting, was the potential value of an electronic sign for the municipal complex to communicate with our residents. You know, these things are getting cheaper and cheaper and they would be able to advertise issues for safety things like the boil alert that we had in effect on the southeast side of the City earlier this week, all the way up to advertising recreation events. I think Mayfield has one that is located at the intersection of 91 and Wilson Mills. It looks pretty good and definitely transmits a lot of information.
- Another safety issue that I am aware of is the absence of cell phone coverage on the east end of the City, particularly in the river valley. It is something that the residents down there believe is a safety issue. I myself have had the opportunity to have to try to call 9-1-1 from Dodd Road once when a tree was across the road right at about head level and was not able to reach them. I had to turn around and go out to Eagle Road before I could reach somebody. The cell tower that would have been at the Grange and possibly in conjunction with one that Waite Hill residents defeated might have addressed that but that is out of there now to the extent that we can look at alternate technologies and try to address that for the residents on the east end of the City. That would be great.
- I mentioned the Board and Commissions appointments. We have several other candidates who put in. I have been told that there may be a potential for a couple more vacancies and we do have one more vacancy on the Recreation Commission. I am also taking applications for the Chagrin River Watershed Partners and Noise Abatement Council. Ms. Majka has offered to serve in either of those capacities and was very kind to attend the Noise Abatement Council meeting on our behalf this morning, so I appreciate very much, Councilwoman Majka. If anyone is interested in those, please get me a resume or letter of interest. I don't think our Boards & Commissions application covers those two items, so just a letter or resume would be great.
- For residents living close to the North Chagrin Reservation, the Cleveland Metroparks will be conducting a Deer Management Program again this year. It will kick off January 21 and continue through March 19<sup>th</sup>. We will get as much information posted on specific days as it becomes available. Closure signs will be up. The Police Department will be made aware. If anyone hears anything, they will be able to answer your question. Their two secretaries have assured me that the

number of years we have done this, they have never had a call, but please, if you see warnings for your safety, heed them.

- Finally, tonight I support the passage of Ordinances 2020-01 and 2020-02 to expedite the purchase of new computers that will be able to operate on the Windows 10 platform. I appreciate Council's understanding of the timing need for the passage of these Ordinances. I am also requesting tonight authorization from Council to seek bids for asphalt for the upcoming season.
- I am glad to note a couple of milestones in our community for a couple of our employees: 5 years of service for Police Officers Cory Planisek and Richard Harmon. They have served the City now for five years. Fifteen years – Firefighter Tim Beck. Twenty years – Service Department workers Marty Gazdak and our own Chief Collins! So a round of applause for our milestone employees. (Audience applauds). That's all I have, Mr. President. I am open to questions.

**Council President Hallum:** Are there any questions for the Mayor at this time? {No questions}. Well, I will just point out one thing that the Cleveland Magazine had the "Fresh Faces for Politicians in the Area" and our own Mayor Gardner was one of those spotlighted people. I know he will not say anything about it, but thank you for representing us so well and speaking well about Willoughby Hills. (Audience applauds).

Moving on to the Finance Director's report, Mr. Brichacek?

#### **FINANCE DIRECTOR'S REPORT:**

**Finance Director Brichacek:** Nothing to report tonight except to request passage of Resolution No. 2020-01 which is a housekeeping item and will allow us to change over the signatories on the City's bank accounts.

**Council President Hallum:** Any questions for Mr. Brichacek this evening?

**Councilman Fiebig:** Mr. Brichacek, did the funding for the computers as coming out of Capital Funds, you don't anticipate any issues with that amount?

**Finance Director Brichacek:** No, I don't. There is approximately \$140,000 in that fund.

**Councilman Fiebig:** The amount that was requested for hardware was just under \$30,000. Do you know what the labor cost of that will be?

**Finance Director Brichacek:** No, I don't.

**Councilman Fiebig:** Does anyone on the panel know?

**Council President Hallum:** I believe, last I heard, we are still waiting for Evolve to get back to us with a quote. We have been trying to push them for it, but they have not gotten back to us yet.

**Councilman Fiebig:** And that would be a separate ordinance?

**Council President Hallum:** I think at this point it will have to be a separate Ordinance because we were hoping we would have it before with the other one, but, yeah, it is separate.

**Councilman Fiebig:** No other questions. Thank you.

**Council President Hallum:** Thank you, Mr. Fiebig. Any other questions for the Finance Director this evening?

**Mayor Gardner:** Mr. President. Real quickly, I am looking at the Resolutions and I believe that 2020-01 might have been duplicated between the request for signature cards and then the request for the new computers, so we might need to renumber those.

**Council President Hallum:** No, Resolution 2020-01 is the first Resolution, not an Ordinance, but thank you, Mr. Mayor.

**Mayor Gardner:** Okay, thanks.

#### **CITY ENGINEER'S REPORT:**

**City Engineer Pete DiFranco:**

- We are continuing on the work with the contractor on the Dodd Road Resurfacing project to address some errors and final remaining issues. They did repair the wall that we recently built and they regraded a ditch at the corner of Dodd Road near the wall but they still have to repair a bridge joint as well as restripe a portion near the wall. It likely will not get done until spring, so we are continuing to coordinate with them.
- We are also continuing to work on the 2019 Sewer Rehab Project and this is on your agenda tonight for an increase for the budget. I would just like to explain how this project works. We divided the City into portions and we are planning to do a portion a year. This year we set up a budget of \$180,000 to do a certain portion of the City. We gave the contractor a list of streets. So what they do is first clean the sewers, then they televise them to look for defects or what needs to be repaired. It is either the individual pipe joints or, if an entire section of pipe is cracked, they will put a liner in it. So we gave them a list of streets. They accidentally did a couple extra streets but they are not charging us for that. There were more defects than we anticipated so that is the reason for the additional budget. But they have offered to throw in an additional \$9,000 worth of liner if we approve this extra budget because their machinery will already be out there. So it makes sense for the City, as well as the contractor and that helps them kind of recoup the money that they spent doing the additional streets. They have done Meadowbrook, Alan, Diane Court, Miller Road, Camelot, Istra and Oakwood and then by accident they also did Lamplight. I highly recommend that we proceed with

this. I fully support Ordinance 2020-03. For the additional \$7,000, the City will be getting approximately \$19,000 of additional work. That concludes my report

**Council President Hallum:** Thank you, Pete. Any questions for the City Engineer?

**Councilwoman Taylor Draper:** I do. What was the last time that this has been done?

**City Engineer DiFranco:** I'm looking at Mark but I am not aware that it has ever been done. That's a good point though. What this does is it tightens up the sewers so that it eliminates infiltration. What infiltration does is it could cause basement flooding because the sanitary sewers are not sized to handle infiltration which is basically ground water or rain water. The sanitary sewers are just sized to handle domestic bathrooms and house waste. This will help prevent basement flooding. It could also help prevent undermining of pavement because the water leaks into the sewer and then it undermines the road and then you get potholes. It also reduced the amount of, you know, the water that leaks into the sewers eventually has to get pumped by the treatment plant and we pay for the electricity to pump that. So if you can reduce the amount of water that you are pumping, obviously you reduce the amount of electricity and cost to the City. So that is why we are doing this.

**Council President Hallum:** Any other questions?

**Councilman Fiebig:** Mr. DiFranco, have you had the opportunity to review our Road Program and repaving for this year yet?

**City Engineer DiFranco:** Yes, I have. I am planning to sit down with the Mayor and Mark next week. I have prepared a few options and I will discuss it with them. We will have something shortly.

**Councilman Fiebig:** I am looking forward to seeing how many roads we can pave and what our budget is going to be for that. It will certainly help with planning for this year. And just a reminder that we want to get on board with doing those bids as soon as possible so we don't end up late in the season with getting bids after all of these contractors have sent out their crews and have their projects for the year. So, the sooner, the better. Thank you for that and I look forward to hearing from you next week.

**Mayor Gardner:** Mr. President, may I comment?

**Council President Hallum:** Mr. Mayor.

**Mayor Gardner:** Mr. Fiebig, Mayor Potter over in Kirtland ran an aggressive Road Program. I have met with him and we are going to see if we can combine some of our bidding and see if we can get a discount by bidding together because if we are in proximity, there might be some savings that they can offer both cities by doing that. Hopefully, if the coordination is going to take too long, it might not be something that can happen, but the Mayor and I met a couple of weeks ago and would like to try and see if we can do that so we can get more road miles done for our cities.

**Council President Hallum:** Thank you, Mr. Mayor. Any other questions? I just have one...I had heard that there was a car that hit the new wall. Is that accurate and did it cause any additional damage?

**City Engineer DiFranco:** I had not heard that.

**Council President Hallum:** Okay. That was just a rumor that I heard and I did not have any way of confirming it, so I appreciate that.

**Mayor Gardner:** Mr. President. I pass the wall about once or twice a day and after it was repaired, I have not seen any marks on it.

**Council President Hallum:** Okay. Great. The next order of business is Committee Reports. I don't think we have had any Committee meetings in the last few days here or since the break. Does anyone have any Committee reports? I don't think so. Okay. Any Council Representative reports this evening?

## **COUNCIL COMMITTEE REPORTS/OTHER COUNCIL REPRESENTATIVE REPORTS**

**Councilman Jarmuszkiewicz:** Mr. President. We had a Recreation Commission meeting last night to start planning events for the year. A couple of issues that came up:

- The Commission wants to know from Council what the actual uses of the Grange are, what limitations and what it can and cannot be used for. I know there are some problems with ADA compliance stuff in it. Is it just for small meetings? Can it be rented out or how it works? None of the people on the Commission have seen it, so we are actually going to have a follow-up Subcommittee Meeting there (a Wrap-Up meeting), just a field trip to see what it looks like, see what the building is, but they would like some type of rules or guidance as to what we should be looking at or if we should not be looking at it or how it can be used without stepping over bounds of someone else about it?

**Council President Hallum:** Okay. Any response or does anyone have any questions for Mr. Jarmuszkiewicz? I just have one comment. I guess I can talk to Sandy or if you want to do it for me, I was looking for the Recreation Commission to make some recommendations as to what they thought, if there were any opportunities that we could potentially consider for use of the building.

**Councilman Jarmuszkiewicz:** I think we were looking at more like legal issues, like if you couldn't bring something in there or couldn't do something there. We are going to have a meeting there so we can see what the building looks like. I have never been in it. I drove by probably a thousand times, but never stopped in there.

**Council President Hallum:** I would say to start there and then let's regroup and talk about what you experienced there because I don't think anyone really knows for sure. We just know that if there is an opportunity, I think I have heard many people in the City as well as on this dias say that if there is an



opportunity for our residents to use that building, to be in that building, or to appreciate that building in any way, shape or form, they would like that opportunity. I am just trying to identify that.

**Councilman Fiebig:** I will follow up to say that the use of public property is something that Council has to legislate. It is in Section 941 of our Code and at this time you could review it, but it is just now set for some scouting meetings, but I think if there are some ideas about how we can use it and how we can utilize that facility, we would be open to that. You could do that in your own Recreation Commission meeting that you could share if there is a Recreation Committee meeting...you could like do your own subgroup, but then again you could also do it with the Recreation Commission that you are also a member of.

**Councilman Jarmuszkiewicz:** I think, working with the Commission, I want to involve them as much as possible. We are trying to make it more transparent to the people of the City that we have a Recreation Commission and that they do put on the events and that using the building maybe for certain things might be an option. Going there will be a first step to see what it looks like and no one on the Commission has ever stepped foot in the building or understands what is even there. Once we go look at it, maybe we can throw some ideas around and I would like to bring those back.

**Councilman Fiebig:** Hold your meeting, invite all of Council and the public as well. I think you have a Recreation Facebook page and you could say, "What are the ideas that we have here?" and you could hold kind of an Open Meeting there or here and get some ideas flowing about how that building could be used and if we find that there is no good reason to have it, then the City should look at "Should we sell the property or turn it over to a non-profit and still hold the ownership but maybe lease it out?" So there are a lot of different options with the real estate and the cemetery that is next store is our property and we have to maintain that as well.

**Council President Hallum:** Thank you Mr. Fiebig. Thank you, Mr. Jarmuszkiewicz.

**Councilman Jarmuszkiewicz:** I have one other item. We were talking about volunteers for the events. The Recreation Commission does a great job at planning, putting on and presenting it. A lot of the work is when it is being run, setting up, running it, tearing down. Without the help of volunteers, it gets real hard; the same people are there all of the time. We are looking for people in the community who are willing to step forward and volunteer some time to help with the events. We have had quite a few volunteers as of lately which is nice but we have events all through the year. I don't have it right in front of me, but like the Pancake Breakfast coming up takes a lot of manpower to keep the food moving, the place moving, the cleaning and setting up, tearing down and resetting it back up. I would like to ask the Mayor if we could put a page on the website, maybe a Community Volunteer Page with a list of the events and any events that people may be interested in volunteering for or they can contact me at my email and if they were interested in helping out, I can find out and put them in touch with the right groups to volunteer for those events. But there is a lot of work that the Recreation Commission does and we do need the help from people. We want it to be a community project with everybody together.

**Mayor Gardner:** Mr. President. I will take care of that on the web page. We are hoping through the Recreation Commission at the first Pancake Breakfast to have sort of a citywide volunteer fair. Any of the City organizations, the Historical Society, the Youth Sports League, if they want to have a table in the lobby, they would be able to solicit volunteers who are going to be at the Pancake Breakfast and we are just hoping to let the people know about some of the opportunities that are available to help out in the City. We might even reroute the traffic so they have to walk through everybody before they go in to get their pancakes so they have a chance to see what some of those opportunities are. W.H.I.S.P.E.R. and all kinds of things and I know there are lots of people out there who have expressed to me that they are willing to volunteer, they just have never been asked. So it will be a good chance and we will ask them all at once.

**Council President Hallum:** Okay. I would just suggest that having them come on the way out when they are not grumpy and hungry! Thank you. Moving on... {then acknowledges Councilwoman Majka}

**Councilwoman Majka:** Mr. President, this morning I attended the Noise Abatement meeting at Cuyahoga County Airport and just to recap real quick:

- The purpose of this meeting is a representative from Willoughby Hills, Highland Hts. and Richmond Hts. to get together with airport officials and staff and just monitor basically how the airport is doing in terms of complaints of noise. They are nice enough to furnish us with graphs and information from their end and then we have a discussion as to what has been happening in the last quarter. So this meeting this morning covered the fourth quarter of 2019 from the beginning of October through the end of the year.
- The report was that there were 4,863 total operations and out of all of those operations, there were two complaints received. That was possibly an all-time low. The Airport Manager reported that the operations were actually up 7% and the complaints were down about 25%. So this is a good situation for all involved. They are currently in search of a representative for Highland Hts. because the Council person there had retired. The Richmond Hts. Mayor was in attendance. I sat in for Willoughby Hills in official capacity and I have let it be known that I would be willing to serve in that position, continue to serve, because I have been attending on and off these meetings the past four years with our former representative, Councilman John Plecnik. The comment was made about good weather helping these operations increase. It is nice to sit with these officials in the airport and actually hear them talk about the technical aspects of air traffic and operation and then questions can be asked at that time, too.
- We talked about a system called AWOS which is having to do with an efficient operation of the airport. There is, every so often, a Noise Abatement Agreement that is signed and it has to be put together by several different agencies. There is a little slowdown right now because one of the entities that is supposed to sign this report wants to wait until the FAA changes some of their rules. Our Airport Manager said that education to the public and education to the pilots are very key to coexisting and being good neighbors. I thought that was really a good point.



- One of the previous reports talked about the instrument landing system which was being worked on the third and fourth quarter of last year. That is an old system that has been replaced and is operational right now. This is an FAA project. It came through on budget and on time. It is basically an antenna that helps with the landing of the airplanes. I thought this was really interesting. They got information and this is disseminated to almost any agency you can think of but there is now information they received on human trafficking. Anybody in any airport capacity now has certain guidelines and actually training to watch out for signs of human trafficking and they go over procedures of how to handle that. Of course, they are to immediately contact law enforcement.
- They elected new officers for the year. Dave Roche, Richmond Hts. Mayor is the Co-Chair. Jim Miller remains as Chair, I believe. A few others are doing secretarial and recording.
- I am very pleased to say that we have our Airport Manager in the audience right now, Mr. Robert Hardigan. We had a nice discussion this morning and he mentioned that he might drop by. I was very excited because I said, "Good, now you can explain these technical terms, specifically, the AWAS and the ILS" which he explains so much better than I do because he has, of course, a better understanding of it. I thought it was fascinating that we got into a discussion about drone technology, too, and not so much about what we were talking about, but that four mile range and even the information that you shared about any aspiring pilots that could maybe get their license underway. So, with permission, if Mr. Hardigan may share some information about these accomplishments at the airport.

**Council President Hallum:** Sure. Mr. Hardigan, we are going to be getting ready to start Public Portion here in about a moment and would love to hear from you at that point. {Mr. Hardigan acknowledges that he would do so then}. Any questions for Ms. Majka tonight?

**Councilwoman Taylor Draper:** Mr. President, I would like to share a little something about the Planning and Zoning. We have not had a meeting this year. The first meeting is the 16<sup>th</sup>, which is a week from tonight, and it will involve a hearing involving PNC on Chardon Road and I would like to yield to Councilman Kline who was at the last meeting and can share a little bit about what's been going on there with the residents.

**Council President Hallum:** Mr. Kline?

**Council Vice President Kline:** The Willoughby Hills branch of PNC on Chardon Road is closing. They are closing down near the end of February. But they came before Planning and Zoning in December. They want to put up a free-standing ATM across Chardon Road within the parking lot, not directly across from where the bank currently is, a little ways west. Due to zoning classifications, it is considered a Conditional Use and that requires a Public Hearing. So that is going to be part of Planning and Zoning next Thursday. If anyone has concerns about that, then they are welcome to come and speak before the Commission then.

**City Engineer DiFranco:** Mr. President?

**Council President Hallum:** Yes?

**City Engineer DiFranco:** Actually, the Public Hearing for that meeting did not make it into the News-Herald in time for next week's meeting, so the hearing will be the first week of February, on February 6<sup>th</sup>.

**Council President Hallum:** Thank you Mr. DiFranco. Mrs. Fellows?

**Councilwoman Fellows:** Mr. President, "across the street?" Is that in the Shoppes of Willoughby Hills' parking lot? Mr. Scheel's property?

**City Engineer DiFranco:** No, there was a Galleria of Gowns, next to Borally's, further down.

**Councilwoman Fellows and Council President Hallum:** Okay.

**Councilman Fiebig:** Yes, it is in front of the Chase property. It is in a parking lot and we did grant preliminary approval based on the plans and the drawings that they presented to us because it does fit into our current zoning. We discussed a lot of issues. It actually borders Richmond Hts. and one of the issues that I brought up is if you turn out of where you get the ATM, you potentially, if you made a wide turn, you may be in another city. Of course, it is an open parking lot, but I brought up that at some point at any time down the road, twenty years from now, they put up a fence, could we still have cars pull out of that area? And the answer was "yes, there is enough clearance to do that." It is right at the edge of Willoughby Hills. It will still serve our residents who need to just go to an ATM and just make a deposit or get some cash. So it is a good thing and does fill a very open parking lot that is probably overbuilt for parking for that plaza.

**Council President Hallum:** Thank you, Mr. Fiebig. Any other Council Representative reports?

## **PUBLIC PORTION**

**Council President Hallum:** We are going to move on to Public Portion. I did add a second Public Portion for the meeting and I plan to continue that practice going forward. The first Public Portion will be for you to come up if you have anything you want to talk about what is on the agenda for this evening. The second one before "For the Good of the Order" will be anything that you want to bring up in general that you want us to be aware of or anything that you have questions about not pertaining to this evening's agenda.

Public Portion #1 is opened at 7:41 p.m. Please be sure to give your name, address, and keep your comments to three minutes please.

**Robert Hardigan, Airport Manager for Cuyahoga County Airport, 26300 Curtiss Wright Parkway, Richmond Hts., OH 44143**

The Noise Abatement Council is one of the oldest Noise Abatement Councils in the United States. It is a very important facet of the airport operations so that we actually maintain good neighbor relations. Airplanes are so much quieter than when the Council started. So the screaming jet engines of a Saberliner are

not there anymore. They have been mandated out. Actually, the noisiest airplanes at the airport now are those that are propeller driven, which used to be the quietest. So the jets are the ones that are the quietest, except for when they are probably doing an engine run on the ground for maintenance. Engine runs are from 9:00 a.m. to 9:00 p.m. is the window. Typically that is really only going to be a first shift operation there for the maintenance folks. As far as the other things we were taking about, the Automatic Weather Observing Station was commissioned in November and that is actually kind of a big deal. We were one of the only airports in the nation that did not have an automatic reporting weather station and a control tower combined. So what would happen was the control tower would close at 11:00 p.m. and we would lose that weather reporting capability. So planes would basically pay a penalty when they would fly an approach into our airport so we weren't the all-weather airport that they were accustomed to when the tower was open. It has actually helped. That is why I say it is an efficiency machine more than a weather machine. The ILS is old technology but very precise. It is still the standard for aircraft to fly all over the United States and the world. When they are flying into the airports, it has not been replaced by GPS yet. The antenna that we had there dated back to 1973 and the FAA couldn't keep the maintenance going on it anymore so they finally replaced it. I am being told that the old antenna was taken from Cuyahoga County Airport and it is going to be rehab'd and sent to another airport. So one man's junk is another man's treasure in this case. So as far as the two pieces of equipment and the Noise Abatement Council, that is all I have to report.

**Council President Hallum:** Thank you. We appreciate it.

**Councilwoman Majka:** Thanks for coming.

**Jenna Bing – 36951 Beech Hills Drive.** I have a question on who is writing these ordinances and resolutions. I actually go online and I read them and to see what is behind them. I don't know how you vote on these things. The Resolution that is up tonight looks fine until you get to Section 3 which says "All Ordinances or parts thereof in conflict with provisions of this Ordinance." This is a Resolution so that is like sloppy but I don't know what you are voting on there. It just begs the question of what is really being said and written in these things. And then I just wanted to clarify because I looked in Robert's Rules and I think this is a General Membership meeting and the President is to remain impartial. He or she should not make a motion or second it; however, there is an exception. So a Treasurer presents a bill and the person can say that the President can assume a motion and say, "is there any discussion on this?" and then have a vote. But the other situation which is probably the more impartial way is to turn over the gavel and, it says, then when the President can make a motion when he or she steps down from the Chair and lets the Vice President preside until the motion is dispensed. However, the best practice is for the President to find another member who is willing to present the motion. Remember when someone is elected to the office of President, that person must remember that he or she serves all the members and an effective President is one who remains impartial in conducting the meetings. So I look forward to having a Law Director because I think that kind of thing, this is the second meeting, you've only had two, where you just say "poof, this is the way it is, I looked it up, I know it can be done this way." I really think that there needs to be a little bit more courtesy about it and probably bring your own citing to say "here is why I can do it" because I got one here that says I am not quite sure that you really can do that. Thank you.

**Linda Fulton – 2990 Marcum Blvd.** Pardon me if I didn't hear it, but I think in regards to Mike Germano, I think it is Senior that died, I believe, I did not hear you say Senior. I just wanted to clarify that. The other is on W.H.I.S.P.E.R. I hope the Council is going to talk about W.H.I.S.P.E.R. But I think it is very prudent that you don't just have one person in charge, that there could possibly be a committee that would be someone from Administration, maybe a senior, someone from Council, but not leave it up to one person so that you could start it off with making rules and qualifications of it. I think that if you leave it up to one person, I think it could become very biased. I hope that is something that you will do. Thank you.

Public Portion #1 closed at 7:44 p.m.

### **UNFINISHED BUSINESS**

**Council President Hallum:** Mrs. Bing, you asked about Robert's Rules. What you would want to look under is the rules for Small Boards, which is under twelve members. This is what we are and it has different rules about the Council President. That is where to look and I hope that helps you out. There are all different sizes and different rules for different sizes and it is quite confusing but that is where you will find it. Also, Linda, thank you for pointing out, it was not Mike Germano, for clarification persons, it was not Senior, there are two different middle initials, but it was Frank and Mike Germano's father and not our former prosecutor, Mike. Next, we had talked about the Seating Arrangement at our last Organizational Meeting and I put something together and I apologize, Mr. Mayor, I set it up as it had been in the past, and we can certainly amend the Seating Arrangement to your liking but I think it certainly makes sense. But I will pass these down so you can take a look. The thought process is that Nancy had mentioned that it makes sense to alternate an At-Large with a District, so I kept that in mind. What we also have is a more senior member sitting next to a newer member to also assist then in having that comfort level of having someone sitting next to them who is a little more seasoned up here. Right now, I think everyone is sitting in the seats that are on here, except for the Law Director, who would be here (between Council President Hallum and Councilwoman Fellows) once we get a Law Director. We will amend the Mayor and City Engineer swapping positions. I put this up for discussion.

**Motion was made by Councilwoman Fellows, seconded by Councilwoman Majka to accept the Seating Arrangement, including the Law Director when he or she is appointed and alternating the City Engineer and Mayor.**

**Roll Call: AYES: Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka, Taylor Draper**

**NAYS:** None

**Motion Carries to accept the Seating Arrangement as amended.**

**Council President Hallum:** We had briefly talked about summarizing the minutes wherever possible and I had suggested that everybody go back and give it some thought so we could talk about it again this evening and would certainly like to open up some discussion about that tonight as well. I could like to continue that conversation if anybody has any thoughts about that.

**Councilwoman Majka:** Mr. President, my personal thoughts are that I prefer to have access to written minutes verbatim and the reason why is that I get really tired from sitting for long periods of time when I am in front of a computer and if I had written notes in my hand, I would be free to take them here, there, everywhere with me. It would just be easier to review, make notes, underline, refer back to, that's just my opinion.

**Council President Hallum:** Thank you. Any other comments?

Councilwoman Taylor Draper: I have a comment. I guess I am wondering if that is the reason why the minutes were always two to three months behind? I think the minutes should be sent or completed probably within a week's time. So it is because that is one of the reasons why it was taking so long? I think that is a concern.

**Council President Hallum:** Thank you.

**Council Vice President Kline:** I received two phone calls since Monday from residents who support the idea of getting some type of software that can transcribe the minutes. They feel we should look further into that.

**Council President Hallum:** Thank you Councilman Kline. Any other comments? Councilwoman Fellows?

**Councilwoman Fellows:** I concur with what Councilwoman Majka and some of the rationale. I know we are in a transition so I went online to listen to the audio and I know Mrs. Majeski is working on that, getting the key to Vicki's office and all of the other things that need to go with that. After every meeting, Vicki, before she would leave, she would load the audio. Every now and then there might have been a glitch depending on how long the meeting was and she has to load two different disks, but after every meeting, 99% of the time, Vicki already had it so you could hear the audio. Councilwoman Taylor Draper, if you knew what the Clerk had to do on occasion, you would understand why she had to prioritize doing certain things. When you would have meetings that would be two hours long or an hour and a half long, you would have twenty-five pages of verbatim to transcribe, that is why there were occasions when it took a couple of months for her to get it done. It also had to be approved by Council first before she could put it on because once the minutes are done, then we have them to read and then we would have them at the front end of our meeting to approve and adopt those minutes. So it is a little bigger process.

**Councilwoman Taylor Draper:** I see, but I also understand that there was a lot of overtime involved. Maybe I am new to this situation, so correct me if I am wrong but if that is the case, then why were the minutes...

**Councilwoman Fellows:** There was no overtime involved.

**Councilwoman Taylor Draper:** Oh, there was not? Thank you for correcting me.



**Council President Hallum:** Good discussion. Thank you.

**Councilwoman Majka:** Mr. President, just to add on to what Nancy said, this has been discussed many, many times over the years, is that the audio version is the legal and best version of the Council meetings and the written records are an additional courtesy and convenience. As she stated, that audio was up pretty much immediately after a meeting so there was no lag in those audio minutes as far as access by the public. They could always access those.

**Councilwoman Fellows:** For those who had that ability.

**Council President Hallum:** Right. Thank you. And to that point, any person of the community who wants to hear or see the minutes, even if you don't have a computer, you can at any time come up here to City Hall, make a request or you can send a letter or you can make a phone call requesting that and we can make you an audio disk or print you a copy if you don't have that ability. Never feel like if you don't have at home, there is no way you can get it. We can help you with that. If you ever need that help, don't hesitate to come up to City Hall or call one of the Council people and I am sure we will be happy to help in that assistance in getting you those because if you want to be informed, we want to help you be informed.

**Councilwoman Fellows:** To that point, so Mrs. Majeski offered to burn a disk for me since it was no longer on the audio. I no longer have a laptop that has a disk. I have to use a flash drive. Technology is changing as well so back to the discussion we had on Monday about having multiple forms of communication for our residents of our community.

**Council President Hallum:** Councilwoman Fellows, that is a great point. We should maybe talk about getting flash drives. That might be easier and cheaper to drop that onto a flash drive that anyone can plug in a USB and listen to. That is a great point. Thank you. Anyone else?

**Councilman Fiebig:** And also to use the internet – things like Dropbox and things like that where you could store files and they could be transferred. They could be emailed and that would be more efficient. I don't know that the computers we are purchasing even have drive ports on them. They seem to be...

**Council President Hallum:** They do not have the spinning drives. They are solid state.

**Councilman Fiebig:** Right. So we may not even be able to offer those if none of those computers have those.

**Council President Hallum:** That is entirely possible.

**Councilman Fiebig:** To your point though and why it is in Unfinished Business, we just pushed aside the change we were going to make. Isn't that right?

**Council President Hallum:** We approved to leave it as it was but we thought we would have some further conversation about it. I did not want to wait too long because we had just talked about it. I wanted to see what people's thoughts are and ask you all what your wishes are at this point just so we don't lose track of it.

**Councilman Fiebig:** That is good and it is good to keep it on the front burner. So I don't think we need to make any motion or any action on our rule and we can also see what our new clerk would have to offer, thoughts and suggestions on how that person would want to handle doing the minutes. Just to weigh in, I would be in favor of saying reducing the minutes, as long as they were effective enough where you don't have to transcribe every single word, but you have to get to the meaning. "What did somebody mean when they said something?" You don't want to skip things either. That is why transcribing is really the best, but it does take time. It is something we need to continue to work on and maybe administratively with your role here you could also look into it.

**Council President Hallum:** Absolutely. Unless there is any other discussion on this matter, I will ask if there are any wishes at this time of Council to make any adjustments. (No response from Council members) Fair enough. I appreciate everyone's comments on that and I wanted to make sure that we followed up. Any other Unfinished Business?

**Council Vice President Kline:** Mr. President, I think everybody on Council and a lot of the residents know that I do a lot of walking through the community. I have done this for a long time, before, during and after the election. People would stop, make comments and ask questions. I have said both to them and to others that any concerns or comments that they have, I will take them back to Council. I have gotten a number of comments made which I am bringing, as a group, and I am bringing to Council's attention. They feel that Council members are doing too much texting during meetings. Speaking for myself, and this may show my level of expertise, if I were to try and text and participate in the meeting at the same time, both are going to deteriorate rapidly. That being said, I would like to ask Council to consider adding an additional provision in Council's Policy which is banning texting by Council members during Council meetings and also limiting the amount of activity on other electronic devices also during the meetings.

**Council President Hallum:** So Mr. Kline, are you making a motion to add a Council Policy?

**Council Vice President Kline:** Yes, I would like to move that we add an additional policy to Council Policies banning texting of Council members during the meeting and limiting the activity on other electronic devices.

**Councilwoman Taylor Draper:** I second.

**Council President Hallum:** I have a motion from Mr. Kline and a second from Mrs. Taylor Draper to add a policy to Council Policies prohibiting the use of texting and limiting the use of other electronic devices during Council meetings. I will open this up for discussion.



**Councilwoman Majka:** Mr. President, I would just like to say that I have never texted another Council person during a meeting and I have beside me my phone today. I have used it a couple of times. I have been pulling up the legislation for tonight because when Vicki was here, we would have our bundle in front of us when we came in. Tonight I came in and I had nothing printed. I had to run out at the last minute and get our agenda. At our last meeting, our Organizational Meeting, I pulled up an email for Mrs. Fellows to read concerning our Council Clerk and she read the email announcing Vicki's resignation, etc. You, yourself, have used the tablet just about every Council meeting and you are scrolling through the whole time, and I guess it is for the same reason, to pull up legislation or pull up pertinent information. You know, I think to the trained eye it is real obvious what is texting and what is not. I mean if I am texting, you are going to see me doing messages. But if I am just opening up my phone and reading, that's something different and it is pertaining to what we are doing tonight.

**Council President Hallum:** Thanks Mrs. Majka and I just want to speak on this quickly as well. I do agree that there should not be any texting going on up here during a meeting and I actually like the idea to us moving electronically to review instead of printing all of this paper and spending all of the money on ink and paper to be able to review ordinances and the agenda. What I am not in favor is any type of communications, whether it is texting or emailing during a Council meeting. So while I respect your motion, Mr. Kline, I would like to see it be more specific to communication, electronic communication, texting, and any other electronic communication.

**Councilman Jarmuskiewicz:** Personal electronic communication.

**Councilwoman Fellows:** Right. To Councilman Jarmuskiewicz's point, I know in the number of years that I have been on Council when people have had their phones up here, they have been waiting for possibly a message from their family because there has been an illness or there has been an accident or there has been an emergency. I have had Council members know that because of their phone. They have been asked to be excused from the meeting and then they text back that they are on their way. So there are different specifications or reasons for texting. If you say no texting at all, I don't know how you would police that in terms of what you text or who is texting and can I see your phone? Those kinds of things.

**Council President Hallum:** Thank you Councilwoman Fellows. I think reading something that pops up on your phone is different that you responding with emailing and texting. You certainly bring up, and I think you could certainly get my attention to say, "I just got an emergency call and I really need to handle this." I would, of course, say "Absolutely, go ahead and do that." But I think for the community, for the residents, I would not want to limit electronics in general, but for communication purposes, I would be, that's what I would like to see amended, so what are the wishes...

**Councilman Fiebig:** Mr. President, I am sitting here using my device, reading what the agenda is and then I used it to look up when Ms. Bing said there was a Resolution that had some wording, so I was using it to do that. I think it can be a self-policing type of situation. If you are sitting next to a Council person and they are trying to look up who won the game that night or if they are trying to contact someone for reasons that don't involve the professionalism that we should all be displaying up here, I think that could be handled

internally and creating a policy I think would be the type of thing that I would want to have a Law Director weigh in on because any time the government tries to abridge the rights of a citizen, whether we are sitting here or whether we are out there, I think you step into a dangerous territory. So I move to table your motion until we have a chance to review it with a Law Director.

**Motion was made by Councilman Fiebig, seconded by Councilwoman Taylor Draper to table the motion banning the texting of Council members during Council meetings and limiting the activity on other electronic devices.**

**Roll Call:**     **AYES:** Fellows, Fiebig, Jarmuszkiewicz and Majka

**NAYS:** Hallum, Kline and Taylor Draper

**Motion Carries.**

**Council President Hallum:** What that means, Councilman Kline, is that it can be brought back up at a later date. It sounds to me like the Council representatives would like to have the opinion of a Law Director, which we should have sooner or later. We can bring that back up then hopefully soon to review that again. So thank you for your concern. I do have some concern and am agreeing with you on that, but I think we need to have a little bit more input. So thank you.

## **LEGISLATION**

### **ORDINANCE NO. 2020-01- SECOND READING**

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF TWENTY-NINE (29) DELL OPTIPLEX 5070 COMPUTERS EQUIPPED WITH MICROSOFT OFFICE (OFFICE EDITION) IN THE AMOUNT OF \$26,472.07, AND DECLARING AN EMERGENCY.

**Motion was made by Councilman Fiebig to waive the Three Readings on 2020-01, seconded by Councilwoman Taylor Draper.**

Discussion:

**Councilman Fiebig:** These are for computers throughout the City Hall complex and our Police Department. The urgency is that the Operating System will no longer be supported and the possibility that there could be some hacking involved is a relevant and urgent matter so that is why we would waive rather than waiting two more weeks for a Third Reading on this. It has been thoroughly reviewed. The Administration has provided Council this and it appears to be in order and I would support waiving the Three Readings on this.

**Council President Hallum:** Any other discussion:

**Councilwoman Taylor Draper:** I concur.

**Councilwoman Fellows:** To Councilman Fiebig's point, yes, I appreciate the correction of this Ordinance to make it a better law because this is what I brought forward in the Organizational Meeting.

**Council President Hallum:** Thank you.

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

**Motion was made by Councilman Fiebig, seconded by Councilwoman Majka, to adopt Ordinance 2020-01.**

**Discussion:**

**Mayor Gardner:** I would first like to thank Administrative Assistant Semik and Chief Collins for being here tonight. They are available to ask questions to. I just wanted to note that in regards to Councilwoman Fellows' comments, the Ordinance was revised to hopefully take care of her concerns.

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

**Mayor Gardner:** Mr. President, the one point Mr. Brichacek and I were just discussing was that since the language had changed in the First Reading to the Second Reading, if the motion should have been to "Adopt the Ordinance as Amended."

**Council President Hallum:** True. So we should probably redo that just to be on the safe side.

**Councilman Fiebig:** Was it substantial or just typographical?

**Mayor Gardner:** It added an Emergency provision, so right there, it was substantial.

**Councilman Fiebig:** Then I would agree and I will withdraw the motion and do it all over again.

**Council President Hallum:** Yes, let's do it right.

**Motion was made by Councilman Fiebig, seconded by Councilwoman Taylor Draper to waive the Three Readings on Ordinance 2020-01, as Amended.**

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

**Motion was made by Councilman Fiebig, seconded by Councilwoman Majka to adopt Ordinance 2020-01, as Amended.**

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

**ORDINANCE NO. 2020-02 – 1<sup>ST</sup> READING**

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 2019-69 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR THE ACQUISITION OF COMPUTER HARDWARE AND SOFTWARE NECESSARY TO UPGRADE THE CITY'S COMPUTER NETWORK OPERATING SYSTEM TO WINDOWS 10 AND REPEALING CONFLICTING LEGISLATION.

**Motion was made by Councilman Fiebig, seconded by Councilwoman Taylor Draper to waive the Three Readings on Ordinance 2020-02.**

Discussion:

**Councilman Fiebig:** Mr. President, this is the companion legislation for the 2020-01 Ordinance that was just passed to provide the funding for the computers that we are purchasing.

**Councilwoman Fellows:** I would like to ask if the Finance Director can just decipher Section 1 of the Ordinance please. Do you want me to read it?

**Finance Director Brichacek:** It is increasing the current temporary appropriation in the General Capital Fund No. 420 from \$9,500 to \$39,500.

**Councilwoman Fellows:** So you are adding the \$25,472 to the \$9,500 and that is how you get \$39,500?

**Finance Director Brichacek:** No, we are adding \$30,000 to the \$9,500 and that is what the Ordinance says.

**Councilwoman Fellows:** But the cost is \$25,472, so why are you adding \$30,000?

**Finance Director Brichacek:** To make sure there is sufficient funding and for the project. If you would like to amend it down, you can amend it down.

**Council President Hallum:** This would not cover the installation, would it?

**Finance Director Brichacek:** It does not.

**Council President Hallum:** And that would come out of a separate, different account, right?

**Finance Director Brichacek:** Correct.

**Councilwoman Fellows:** And that is what we have been asking for, the approximate installation costs so, in your estimation, this would help with installation costs?

**Finance Director Brichacek:** Yes, if they only end up spending approximately \$27,000, the \$3,000 would either be returned to the fund balance or come back. If we know what the professional services cost of the project is going to be, we would increase the cost using that \$3,000.

**Councilwoman Fellows:** Okay. My other question, Mr. President, is that I read this over and over and I could have missed it, but I see no Emergency Clause on this.

**Council President Hallum:** I will let the Finance Director....

**Finance Director Brichacek:** An Emergency Clause is not necessary because in the Charter, appropriation ordinances are effective immediately upon being enacted by Council and approved by the Mayor.

**Council President Hallum:** Thank you.

**Finance Director Brichacek:** In fact, if you look back on all of our appropriation ordinances, they do not have Emergency Clauses on them.

**Councilwoman Fellows:** I understand but the reason I am asking is because we have three new Council members on this dias and this helps them to understand this process a little better.

**Council President Hallum:** Yep! Thank you.

**Councilwoman Majka:** I just wanted to point out a small typo in Section 1. In bold print where it says "thirty thousand and five hundred" the "hundred" is misspelled.

**Council President Hallum:** Yes, it is. That's a minor...we will have it corrected.

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

**Motion was made by Councilman Fiebig, seconded by Councilwoman Majka to adopt Ordinance 2020-02.**

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

**ORDINANCE NO. 2020-03 – 1<sup>ST</sup> READING**

AN ORDINANCE TO PROVIDE FOR \$7,536.25 IN ADDITIONAL FUNDING TO UNITED SURVEY, INC. OF 25145 BROADWAY AVENUE, OAKWOOD VILLAGE, OHIO, TO COMPLETE THE 2019 SEWER REHABILITATION PROGRAM, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

**Council President Hallum:** What are the wishes of Council?

**Councilwoman Fellows:** Mr. President, after reviewing this Ordinance, I have some serious concerns about the format of this Ordinance. Sections 1, 2 and 3 have nothing to do with the legal action needed to be taken on this Ordinance. Some of the “whereases” should be put into the “section” part for the legality of it. I think this has been poorly written and is not good law and I would recommend that this be left on First Reading.

**Council President Hallum:** Any other discussion on this Ordinance?

**Councilwoman Taylor Draper:** Could I get a little information about what this about please?

**Council President Hallum:** City Engineer Pete DiFranco, can you please recover this again?

**City Engineer DiFranco:** This was to change the contract amount for the contractor on the Sewer Rehab Project that I discussed earlier.

**Councilwoman Taylor Draper:** Ok. I see.

**Council President Hallum:** Mr. DiFranco, in the interest of having good legislation, is there any rush on this? Can this wait till the Second Reading?

**City Engineer DiFranco:** It can wait.

**Council President Hallum:** Great. Thank you. Then we will leave this on First Reading. Councilwoman Fellows, thank you.



## **RESOLUTION NO. 2020 – 01 – FIRST READING**

A RESOLUTION TO PROVIDE AUTHORIZATION FOR NEW SIGNATURE CARDS WITH HUNTINGTON BANK TO ACCOMMODATE THE NEW APPOINTMENTS OF MAYOR G. ANDREW GARDNER AND ASSISTANT FINANCE DIRECTOR JEFFREY STERGAR AND DECLARING AN EMERGENCY.

**Councilwoman Fellows:** Mr. President, again in my observations, I do have some questions. Mr. Mayor, you are new to the position, so you are a new Mayor and you may have some different ways you feel appropriate to have things run to be more efficient, but I don't ever remember Council legislating this or seeing this in a resolution if this is an administrative function.

**Council President Hallum:** Councilwoman Fellows, I will say and then let you weigh in on this, Mr. Mayor, however, Huntington Bank required this and would not do it without a Council resolution.

**Councilwoman Fellows:** Okay. That's good; however, to Jenna Bing's comment in Public Portion, after the "whereases" as this is Resolution 2020-01, "now therefore be it ordained by Council" – ordained means it is an ordinance, not a resolution. Also, on the back, it says "repealing conflicting." We have never done this. What are we repealing? We have never had a bank that has asked for this, so what is the ordinance that we are repealing? And while there is an Emergency Statement in the caption, there is none in Section 4. So I must say that we should leave this on First Reading until this is cleaned up.

**Councilwoman Majka:** Mr. President, I was also doing some research because I was concerned about the same thing. I was concerned because I did not know if this fell under what would be considered resolution material and I looked at a couple of other cities to see how they did it and they were under their administrative code, so they were done in ordinance form, rather than resolution which is what we have historically done as just more of a thing to honor somebody or give someone an award, not so much a financial thing that is as sensitive as this appears to be. That was my concern that if other cities incorporate this kind of business in an ordinance, that perhaps we should do the same thing. We should do this in ordinance form since, as Nancy pointed out, Section 3 and 4 are already written as if this is an ordinance.

**Council President Hallum:** Thank you Mrs. Majka. Any other discussions on this matter?

**Mayor Gardner:** Mr. President, I will comment that upon arriving in the office, the Finance Department provided me with a certificate stating that "this resolution had been approved by Council." Obviously, it hadn't so I passed it back to Finance Director Brichacek to check with the financial institution who said that this is a required resolution, they did not require legislation from City Council. At this point, this is slowing down City business because we can only have one signer on checks right now and we need two on some checks. So this was put together earlier this week. I do recognize that "ordained" should have been "resolved" and that the parts related to calling it an ordinance not a resolution, I would ask that Council accept amendments to that and get this done so we can sign signatures on checks for things we need.



**Councilwoman Taylor Draper:** That is my question. Can we just change it right now and carry on with City business?

**Council President Hallum:** I think normally we would not do that because there are some fairly substantial changes here with the Emergency Clause; however, I am not one to stand in the way for getting people paid and paying our bills so I will leave this up to the wishes of Council as to whether they would like to amend this and move forward or not.

**Councilwoman Majka:** Mr. President, just a question. If we do amend and pass this through as a resolution, and we find out at a later date that we do need it to be in an ordinance form, can we redo the whole thing?

**Council President Hallum:** Absolutely. And the nice thing is that this is a resolution and not an ordinance so it is not as big a problem in my opinion in so far as it is not a legal thing, it is just a resolution. So I will look to Council for their wishes.

**Councilwoman Fellows:** Mr. President, our former Law Director always said that resolutions were just “ceremonial.”

**Mayor Gardner:** The bank wants something ceremonial then.

**Councilman Fiebig:** With that being said, Huntington Bank had provided us the information that I assume that the writer of, whoever wrote, this legislation simply took that and this is what they asked for. With that being said, the spirit of this is to allow the appropriate and duly ordained people to sign checks for the City on the City’s behalf. Common sense would say that this is the spirit of what we are trying to pass here ineloquently or not, this is what we are trying to do so I would say that we should move ahead with this with the idea that if we find that some legal analysis of this resolution versus ordinance has determined to be “well that wasn’t exactly right,” you can go back. But I don’t believe that there is anything that is in this piece of legislation, resolution, that is that we are trying to pull something or “pull a fast one” in order to try to do something illegal or unethical. We are trying to get bills paid. With that, I move to Call the Question, should we waive the Three Readings on this and given the urgency of this, I think it is apparent that we do need to waive Three Readings on it and to pass it tonight.

**Councilwoman Fellows:** Mr. President, then I would like to make the motion with the amendments.

**Council President Hallum:** Do you want to detail them or do you want me to do it?

**Councilwoman Fellows:** I have notes...

**Council President Hallum:** I would prefer that you do it since you are making the motion.

**Councilwoman Fellows:** But Councilman Fiebig just made a motion.

**Council President Hallum:** Yes, I don't think you need to Call the Question, we are just going to, unless somebody else has something for the discussion that we would like to have before we do that. So you don't need to Call the Question, we can just move forward.

**Councilman Fiebig:** I made a motion to Call the Question to...

**Council President Hallum:** No, we don't need that.

**Councilman Fiebig:** It was to waive the Three Readings.

**Council President Hallum:** No, we don't need that. Calling the Question is to end discussion.

**Councilwoman Fellows:** But you might want to waive the Three Readings after it has been amended.

**Councilman Fiebig:** So what are you saying? Let me get clear again. I apologize. My head is not clear with this cold I am battling, but did you say you wanted to go through and amend a couple of sections.

**Council President Hallum:** She is going to make a motion amending this so we can move forward with it.

**Councilman Fiebig:** Ok. All right. Fine. I withdraw that then.

**Councilwoman Fellows:** I make a motion to amend Resolution 2020-01 after the "whereases" where it says "now therefore be it ordained by the Council" to be read "now therefore be it resolved by the Council of the City of Willoughby Hills." I would eliminate or delete Section 3 and in Section 4 and I would add an Emergency Clause.

**Council President Hallum:** And renumber "4" to "3."

**Councilwoman Fellows:** Correct.

**Motion was made by Councilwoman Fellows amending Resolution 2020-01, seconded by Councilman Fiebig.**

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

**Motion was made by Councilman Fiebig to waive the Three Readings on Resolution 2020-01 as Amended, seconded by Councilman Jarmuszkiewicz.**

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

**Motion was made by Councilwoman Majka, seconded by Councilwoman Fellows to adopt Resolution 2020-01, as Amended.**

**Roll Call:**     **AYES:** Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper  
                  **NAYS:** None

**Motion Carries.**

### **NEW BUSINESS**

**Councilwoman Fellows:** Mr. President, I would like to make a motion to authorize the Mayor to go out to bid for asphalt bidding.

**Motion was made by Councilwoman Fellows, seconded by Councilwoman Majka to allow the Mayor to go out to bid for asphalt and limestone.**

**Roll Call:**     **AYES.**           Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka, Taylor Draper  
                  **NAYS:**       None

**Motion Carries.**

### **PUBLIC PORTION**

**Council President Hallum:** This Public Portion will be for anything that you want to bring up to us, anything suggestions, recommendations and announcements you would like to make. Please state your name and address and try to keep your comments to three minutes.

Public Portion opened at 8:35 p.m.

**Daniel Philipp – 2423 Pine Valley Drive.** I just want to welcome the new Council and I just want to say that this may not pertain to the new folks up there, however, I really think that the residents should hear about this process, the way that Mr. Plecnik's vacated Council seat was filled. The process basically was that the public was notified and eleven candidates, to my knowledge, submitted resumes and applications for the Council seat. I just wanted to give this because I think the residents need to know how the old Council

used to operate. At 10:29 p.m. on December 11<sup>th</sup>, the eleven candidates got an email. “The Council President invites you to attend the Regular Council meeting scheduled for December 12<sup>th</sup> at 7:00 p.m. The Council meeting will be held in the Council Chambers. There will be an opportunity to interview candidates for the position of Council-At-Large during Executive Session.” My response to that is basically given to them at 8:16 a.m., in the morning shortly after I read that email: “I find this very interesting that the email sent out at 10:29 p.m. on December 11<sup>th</sup> to notify potential candidates of interviews taking place less than 24 hours later. Unfortunately, I have prior commitments and will be unable to attend. My question is the same as Tony Miller’s – when will there be another opportunity to interview?” After several hours of waiting for any response from Council, I got absolutely nothing. At that point in time, I went back to some words that I had heard at a coffee shop and one of the residents told me what they overheard. My response to them was that it was my understanding that the Charter allows Council thirty days from which the Council seat was vacated to find a replacement. I am sure that there are several more than qualified candidates who applied and there is ample time to do the due diligence and choose the best candidate. However, rumor has it that the majority of Council has already predetermined to appoint Janet Majka to the vacant seat. That would mean that the posting of the submission of resumes for the vacant Council seat was a complete joke. My suspicion comes from the fact that an email goes out at 10:29 p.m. on December 11<sup>th</sup> inviting candidates to interview within 24 hours. This makes it look like the invitation is just a formality. Janet Majka is, in fact, given the Open Council seat, is, in my opinion that the whole process could be illegal and unethical. It may also be a violation of the Sunshine Law. Another issue that I would like to point out is that the posting in the News-Herald did not include a valid email. I bring this up only for one reason. This same situation happened in 2003 in Fairview Park and, for those of you who don’t know (the residents) Janet was the one who had to break the tie to put herself in the Council seat where the people had just voted her out of Council. In my opinion, this goes back to a Press Release in 2003 in Fairview Park where the same situation happened. In 2003, however, the lady was voting for her husband, who was a family member, not her directly and she was convicted of a felony. I just say that I don’t know if it is illegal. I don’t know but I can tell you that I am more upset about the process, the way you guys went about the candidates to fill John’s seat. More importantly, with twenty-five years in the business world, I see it as unprofessional, unethical and possibly illegal. Thank you.

**Jenna Bing – 36951 Beech Hills.** You mentioned asphalt, so I just want to put a plug in for Beech Hills Drive. It is, I was walking on it after the November/December snows that we had and it was cleared up and it is like falling apart. So if you are thinking about roads, I am just putting a plug in for mine.

**Linda Fulton – 2990 Marcum.** Is the contract for the waste removal up this year? I would hope that when the negotiations come about, you negotiate picking up yard waste. There are many people in this city that have nowhere to put it and it would help seniors out immensely. So I really hope that when negotiations come about that you negotiate that.

**Joyce Grady – 3020 Marcum.** The only thing that I have to say is that you definitely need a Law Director up there tonight. And I welcome the new members who have joined the Council Chambers and the Mayor. Thank you.

**Public Portion closed at 8:42 p.m.**

## **FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY**

**Councilwoman Fellows:** The Good of the Order is for Council and I just wanted to share that I will not be in attendance at the January 23<sup>rd</sup> meeting. I have a commitment.

**Councilman Fiebig:** The Road Levy will need to be put on the ballot for November so we need to have that in place probably by August so we should definitely keep that on the radar to make sure that we get that legislation written and move forward with that.

**Mayor Gardner:** To Mr. Fiebig's point, there is a memo that is being drafted to all Department Heads for recurring items. I might have mentioned it the other night. All Council members, if you are aware of recurring items are free to submit it so that we can start tracking it; things like when the Police Substation lease needs to be renewed, anything like that. We do have the Road Levy on the shortlist already, but other items are appreciated so that we can start tracking in going forward.

**Councilman Jarmuszkiewicz:** The Youth Sports Association will be having a drive to recruit new members to help with the sports programs. It is next Thursday, January 16, 2020 at 6:00 p.m. at the Firehouse. This would be to try to encourage new members to join and to help with the baseball, football and basketball programs. Right now we are low on members and we still have a lot of youth that would like to get involved with the community, but without the adult membership, it is hard to put on these teams and stuff. So I would encourage anybody who has any interest in sports programs, to attend, to see what it is about and to talk to us.

**Mayor Gardner:** I would like to echo that. All three of my kids have participated in Youth Sports Leagues programs. I know Mr. Fiebig had kids in the program. I believe Mrs. Fellows did. Mrs. Hallum coached my daughter! It is a great way to be involved in the community. I would encourage everybody – if you know someone who is not here tonight but has kids at the playing age, definitely let them know. It is a great program. It is a hard, hard working group of people, some of my heroes in the community. Definitely please encourage people to get involved there.

**Council President Hallum:** Believe it or not, signups for baseball and softball are starting. Be on the lookout for that if you have a child, grandchild, niece or nephew that is interested in playing sports, playing baseball or softball. We have a really good program. In fact, our girls' softball team has been winning the league lately, so we have a really good program there. Please keep those in mind.

## ADJOURNMENT

Motion was made by Councilman Fiebig, seconded by Councilwoman Fellows to adjourn.

Roll Call: AYES. Fellows, Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka, Taylor Draper  
NAYS: None

Motion carries.

The Regular Council Meeting of January 9, 2020, was adjourned at 8:45 p.m.

APPROVED: January 23, 2020  
Date

  
Chris Hallum  
President of Council

ATTEST: Gloria Majeski  
Gloria Majeski  
Executive Assistant, Clerk of Council Pro-Tem